

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**CHARLES BEAM**

**PETITIONER**

**v.**

**NO. 1:05CV6-P-D**

**CHARLES TILLERY, ET AL.**

**DEFENDANTS**

**FINAL JUDGMENT**

Upon consideration of the file and records in this action, including the Report and Recommendation of the United States Magistrate Judge dated November 2, 2005, and the November 10, 2005, objections to the Report and Recommendation, the court finds that the petitioner's objections are without merit and that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore

**ORDERED:**

1. That the Report and Recommendation of the United States Magistrate Judge dated November 2, 2005, is hereby approved and adopted as the opinion of the court.
2. That the state's September 14, 2005, motion to dismiss is hereby **GRANTED**.
3. That the instant petition for a writ of *habeas corpus* is hereby **DISMISSED** for failure to exhaust state remedies.
4. That this case is **CLOSED**.

THIS, the 27<sup>th</sup> day of March, 2006.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE